



6A 2878

Attorney's Docket No. 34691/234885

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Beyerer et al. Group Art: 2878
Appl. No.: 09/868,716 Confirmation No.: 3478
Filed: June 20, 2001
For: METHOD AND DEVICE FOR OBJECT RECOGNITION

November 28, 2001

Commissioner for Patents
Washington, DC 20231

SUBMITTAL OF TRANSLATION OF INTERNATIONAL
PRELIMINARY EXAMINATION REPORT

Sir:

For the information of the Examiner, enclosed is a copy of the English translation of the International Preliminary Examination Report as prepared by the International Bureau.

Respectfully submitted,

Charles B. Elderkin

Charles B. Elderkin
Registration No. 24,357

Customer No. 000826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111
#4508338v1

TC 2806 MAIL ROOM

RECEIVED

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Office of Initial Patent Examination, Customer Service Center, Washington, DC 20231, on November 28, 2001.

Joyce D. Smith
Joyce D. Smith

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 3402/I/036	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE99/04070	International filing date (<i>day/month/year</i>) 21 December 1999 (21.12.99)	Priority date (<i>day/month/year</i>) 21 December 1998 (21.12.98)
International Patent Classification (IPC) or national classification and IPC G01N 21/88		
Applicant HOTTINGER MASCHINENBAU GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

RECEIVED
PCT
TC 2330
ALL FROM

Date of submission of the demand 21 June 2000 (21.06.00)	Date of completion of this report 05 April 2001 (05.04.2001)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE99/04070

I. Basis of the report

1. This report has been drawn on the basis of (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

- ☐ the international application as originally filed.
- ☒ the description, pages 1-10, as originally filed,
 pages _____, filed with the demand,
 pages _____, filed with the letter of _____,
 pages _____, filed with the letter of _____.
- ☒ the claims, Nos. 1-29, as originally filed,
 Nos. _____, as amended under Article 19,
 Nos. _____, filed with the demand,
 Nos. _____, filed with the letter of _____,
 Nos. _____, filed with the letter of _____.
- ☒ the drawings, sheets/fig 1/2-2/2, as originally filed,
 sheets/fig _____, filed with the demand,
 sheets/fig _____, filed with the letter of _____,
 sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

RECEIVED
 2000 JUL 27
 TC 2.30 LAIL ROOM

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/DE 99/04070

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	6-9, 17, 19, 21-24, 27-29	YES
	Claims	1-5, 10-16, 18, 20, 25, 26	NO
Inventive step (IS)	Claims		YES
	Claims	6-9, 17, 19, 21-24, 27-29	NO
Industrial applicability (IA)	Claims	1-29	YES
	Claims		NO

2. Citations and explanations

Prior art documents:

The following document is referred to:

D1: EP-A-0 840 107

Lack of novelty in independent Claim 1 (PCT Article 33(2)):

Document D1 discloses the following (see, for example, column 10, lines 15-56, and Figures 1 and 12):

a method for identifying objects, wherein the object is illuminated by a light source and sensed by a camera; wherein the sensing data is processed by a computer; wherein the object is illuminated by at least two light sources from different directions; and wherein the camera senses the object and the shadows cast as a result of the illumination.

The subject matter of Claim 1 therefore lacks novelty.

Lack of novelty in independent Claim 25 (PCT Article 33(2)):

Document D1 discloses the following (see, for example, column 10, lines 15-56, and Figures 1 and 12):

a device for identifying objects, wherein the object is illuminated by a light source and sensed by a camera; wherein the sensing data is processed by a computer; wherein at least two light sources are provided to illuminate the object from

RECEIVED
19.7.2000
TC 2600 MAIL ROOM

different directions; and wherein the camera is used to sense the object and the shadows cast as a result of the illumination.

The subject matter of Claim 25 therefore lacks novelty.

Lack of novelty in dependent Claims 2-5, 10-16, 18, 20 and 26 (PCT Article 33(2)):

Claim 2: see D1, e.g. column 10, lines 23-25

Claims 3-5: see D1, e.g. Figure 12

Claim 10: see D1, e.g. column 7, line 28 - column 8, line 31

Claims 11-15: see D1, e.g. column 8, lines 22-31

Claim 16: see D1, e.g. column 7, lines 15-20

Claim 18: see D1, e.g. column 8, lines 45-53

Claim 20: see D1, e.g. column 8, lines 18-19

Claim 26: see D1, e.g. column 10, lines 23-25, and Figure 12 (30)

The subject matter of these claims therefore lacks novelty.

Lack of inventive step in dependent Claims 6-9, 17, 19, 21-24 and 27-29 (PCT Article 33(3)):

Dependent Claims 6-9, 17, 19, 21-24 and 27-29 do not include any additional features which, in combination with the features of any of the claims to which they refer back, meet the PCT requirements relating to novelty and inventive step. These claims relate only to features and conventional measures which are obvious to a person skilled in the art.

It is noted that EP-A-0 662 609, US-A-4 882 498 and US-A-5 369 492 are also prejudicial to the novelty of independent Claims 1 and 25.

PIC-369 492
as -1 and -25
PIC-369 492

MAIL ROOM

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Contrary to the requirements of PCT Rule 5.1(a)(ii), the description does not indicate the relevant prior art disclosed in document D1.

RECEIVED
JUN - 7 2001
TC 2000 MAIL ROOM

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The following problems of clarity were noted:

Claims 6 and 27: The term "encapsulated" is imprecise.

Claim 13: The term "rough correlation" is vague.

The terms "extractable" (Claim 22), "eliminatable" (Claim 23), "definable" and "determinable" (Claim 24), "provided" (Claims 25 and 26) and "openable" (Claim 27) do not indicate whether the claimed features are actually present or not.

Claim 25: This claim combines device features and method steps. The category of the claim is therefore not clear (PCT Examination Guidelines, Chapter III-4.1).

Claim 29: This may have been intended to read "device" instead of "method".

Other points

The description is not very detailed and does not appear to make a significant contribution to what is already known from the prior art. It is therefore not clear which part of the application might form the basis for a new claim that would meet the requirements of novelty and inventive step within the meaning of PCT Article 33(2) and (3).

TC 2000 MAIL ROOM

RECEIVED

JUN 7 1999